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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of)

Waheed N. Khan)

Serial No. 09/902966)

Filing Date: July 21, 2001)

For: Diagnostic Test Kit)

Bao-Thuy L. Nguyen
Examining Attorney
Art Unit 1641

.....
The Honorable Commissioner
for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

RECEIVED

MAR 01 2005

OFFICE OF PETITIONS

PETITION TO REVIVE UNDER 37 CFR 1.137 (b)

Sir:

The above-identified application became abandoned on February 25, 2004 as the results of Applicant's failure to timely file a proper reply to the Office letter dated September 25, 2003.

Applicant hereby petitions to revive the application on the grounds that its abandonment was unintentional.

Applicant submits herewith petition fee of \$650, as set forth in Sec. 1.17(m).

Applicant is a medical doctor, who left his position at Childrens Hospital (Washington, D.C.) early in 2004, traveled extensively for the rest of the year, mostly in Africa where he attended a medical conference at Durban, South Africa. He did not learn of his patent application becoming abandoned, until he conferred with his patent attorney on February 7, 2005 after turning to the United States of America. At no time did he intend to abandon the application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon, or any patent to which this verified statement is directed.

Respectfully submitted,

By: J. W. Gipple

Name: J. W. Gipple, Esq.

Patent Office No. 18906

Title: Attorney for Applicant

Date: 2/23/05

Attorney Ref. X-9340